

Commissioners Meeting Minutes

February 2, 2009

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Frye, Haywood, Kemp and Lanier were present. Associate Pastor Rev. Susan Mitchell of the First United Methodist Church of Asheboro gave the invocation, and everyone recited the Pledge of Allegiance.

Public Comment Period

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment. No one spoke.

Additions to the Agenda

Chairman Holmes announced the following changes to the agenda:

Consent Agenda

Addition: K. Appoint Jim Hardegree to the Regional Partnership Workforce Development Board to fill the unexpired term of David Smith, who has resigned.

New Business

Addition: G. Tourism Update –*Tammy O’Kelley*

Approval of Consent Agenda

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the Consent Agenda, as follows:

- *approve minutes of regular meeting and two closed session meetings of January 5, 2009;*
- *reappoint Kemp Davis, Randall Spencer, Joe Allen, Arlie Culp and Thomas Lawrence and appoint Linda R. York to the Voluntary Agricultural District Advisory Board;*
- *reappoint Olen Stuart to the Archdale Planning Board/Board of Adjustment;*
- *reappoint Betty Hunt to the Adult Care Home Community Advisory Committee;*
- *reappoint Gail Moore to the Nursing Home Community Advisory Committee;*
- *ratify individual poll of approval of 2010 Census Support Proclamation, as follows:*

***WHEREAS**, an accurate census count is vital to our community and residents’ well-being by helping planners determine where to locate schools, day-care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs; and*

***WHEREAS**, more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data; and*

***WHEREAS**, census data ensures fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts; and*

***WHEREAS**, the 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community; and*

***WHEREAS**, the information collected by the census is protected by law and remains confidential for 72 years.*

NOW, THEREFORE, the Randolph County Board of Commissioners does hereby proclaim that it is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

FURTHER, as a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness of the 2010 Census and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community, such as Complete Count Committees, to utilize high-profile, trusted voices to advocate on behalf of the 2010 Census.

Adopted this 21st day of January, 2009, via individual polling of the Board.

- approve Budget Amendment #24 for Public Health (Welcome Baby Program), as follows:

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment # 24		
Revenues	Increase	Decrease
Restricted Intergovernmental Revenues		\$113,865
Appropriations	Increase	Decrease
Public Health		\$113,865

- approve Budget Amendment #25 for Public Health (WIC), as follows:

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment # 25		
Revenues	Increase	Decrease
Restricted Intergovernmental Revenues	\$7,650	
Appropriations	Increase	Decrease
Public Health	\$7,650	

- approve Budget Amendment #26 for Sheriff's Office (Piedmont Internet Crimes Against Children Grant), as follows:

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment # 26		
Revenues	Increase	Decrease
Miscellaneous	\$20,000	
Appropriations	Increase	Decrease
Sheriff's Office	\$20,000	

- approve DOT Resolution adding Griffin Drive to State Road System, as follows:

WHEREAS, the Department of Transportation has investigated Griffin Drive in the Reed Creek Farms Subdivision; and

WHEREAS, the subject street has been found to meet minimum requirements for addition.

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that Griffin Drive in the Reed Creek Farms Subdivision be added to the Division of Highways' Secondary Road System.

- approve *Budget Amendment #27 for Sheriff's Office (Special Units Building)*, as follows:

2008-2009 Budget Ordinance		
GENERAL FUND – Amendment # 27		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$ 46,066	
<i>Appropriated Fund Balance</i>	\$ 636,938	
Appropriations	Increase	Decrease
<i>Sheriff</i>	\$ 683,004	

- appoint *Jim Hardegree to the Regional Partnership Workforce Development Board to fill the unexpired term of David Smith, who resigned.*

Tourism Update

Tammy O’Kelley, Director, Randolph County Tourism Development Authority, informed the Board that occupancy tax revenues for December 2008 increased 7.2% compared to December 2007. According to reports from Smith Travel, demand for rooms in Randolph County was also up 4.2% over the previous year. Many destinations are experiencing falling revenues and decreasing demand for rooms. She stated that Randolph County had budgeted for a 4% decrease, but actually it was only 1.2%. Ms. O’Kelley attended a conference of other tourism bureaus recently and 11 reported repeated declines in revenues, and one had a 14.5% decrease.

Ms. O’Kelley stated that the TDA has worked hard to spread the word that Randolph County is conveniently located and an affordable destination with a world-class attraction in the North Carolina Zoo that cannot be found anywhere else in the state.

Ms. O’Kelley said that the “inquiries to leads” conversion rate so far for January is up 44.4%. This means the people who have inquired about travel here have turned into actual visitors who came and stayed in a hotel. Ms. O’Kelley stated that tourism has brought an additional 37 jobs to Randolph County since November 2008 with the addition of the Country Inn & Suites in Archdale supplying eight full-time and four part-time positions and the new Fairfield Inn & Suites in Asheboro, set to open in May. It will provide twenty full-time and five part-time jobs.

Ms. O’Kelley said Randolph County is unique because we have things no one else has to offer.

Report from Celebration of Seagrove Potters & SAPA Festival

Ben Owen, III presented a report to the Commissioners on the 2008 *Celebration of Seagrove Potters and SAPA Festival* that was held November 21-23, 2008. Mr. Owen stated some of the key elements of the Seagrove Area Potters Association (SAPA) were to focus on the local area potters of Randolph, Moore and Montgomery Counties and to give the potters a voice in the preparation of the festival. Mr. Owen presented a slide presentation of the preparation of the former Luck’s factory for the festival. Many potters and citizens of the community worked together to clean up the facility and grounds around the 85,000 square foot building (Only 15,000 square feet was used for the inaugural event.). An electrical grid and pipes were assembled and draped with curtains to provide individual booths for the potters. A lottery was held for booth assignment.

Mr. Owen said that some of the pieces of pottery that were sold were created by several potters together, making each piece very unique. Demonstrations were held each day and there were hands on opportunities for youth.

Over five thousand people attended the entire event. Mr. Owen stated that all vendors were happy with the outcome and that the total financial impact of the event was \$452,967 in revenue generated to the local community, including donations and expenses.

Mr. Owen introduced SAPA President Sally Larson. Ms. Larson reviewed some goals for 2009:

- Advertise – to bring business to potters at their retail shops
- Partner with other organizations to stimulate the economy
- Prepare for the 2nd Annual Celebration of Seagrove Potters scheduled for November 20-22, 2009
- Have a spring event to encourage people to visit the local potters' retail locations.

Mr. Owen thanked the Commissioners for their time and support.

County Manager Richard Wells stated that he was impressed with the organization and their progress and thanked them for keeping him up-to-date in the planning process.

Annual Update of Voluntary Agricultural Districts (VAD)

Kemp Davis, Chairman of the VAD, and Cooperative Extension Director Carolyn Langley introduced some VAD members that were in attendance.

Mr. Davis said that in 2008, the VAD Board approved 11 farms into the program, totaling 1,694 acres of land. As a result, Randolph County now has 12,510 acres of land enrolled in the program. Ten farms (826 acres) are enrolled in the enhanced VAD and 89 farms (11,684 acres) are enrolled in the regular VAD.

This year, due to a proposed condemnation by DOT of an Enhanced Voluntary Agriculture District farm, Mr. Davis said that a public hearing was held to determine if all due process had been followed by the DOT. The Board found that the DOT was unfamiliar with VADs. Therefore, the VAD Board ruled in favor of the landowner in this matter. More than 40 people attended the public hearing.

Ms. Langley stated that another area that is being studied by the VAD Board is the development of a Farm Land Protection Plan. She hopes they can write a grant to offset some of the cost of preparing this document for the County.

Ms. Langley thanked the Commissioners for their continued support of the signs and the program, stating that it has been a popular program with the farmers in the county. She also thanked them for recognizing the value of agriculture and agribusiness in Randolph County and invited the Board to Cooperative Extension's annual Report to the People on May 11th.

Approval of 2009 Audit Contract

Will Massie, Assistant County Manager/Finance Officer, recommend that the Board of Commissioners approve the contract with Cherry Bekaert & Holland for the audit of the fiscal year ended June 30, 2009 at \$55,000 (same as last year). This figure includes the audit of the TDA.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the contract with Cherry Bekaert & Holland for \$55,000 to conduct the County audit for fiscal year ended June 30, 2009 and to authorize the Chairman to sign the contract.

Approval of Resolution to Apply for Substantially Equivalent Status Under Office of State Personnel

Kim Newsom, Personnel Director, said that NCGS126-11 authorizes Counties to establish and maintain personnel systems that may be considered as “Substantially Equivalent” to the State Personnel System and, if so approved by the State Personnel Commission, will exempt the local jurisdiction in those system portions. He said under rules of the North Carolina Administrative Code (25 NCAC 01I Section .2400), there are six system portions, as follows:

System Portion I:	Recruitment, Selection, and Advancement
System Portion II:	Classification / Compensation
System Portion III:	Training
System Portion IV:	Employee Relations
System Portion V:	Equal Employment Opportunity / Affirmative Action
System Portion VI:	Political Activity

Mr. Newsom requested “Substantially Equivalent” status for System Portion I: Recruitment, Selection, and Advancement; and System Portion II: Classification / Compensation. Following Commission approval, a copy of the resolution and supporting documents will be presented to the Office of State Personnel. The materials represent the County personnel ordinance, policies, procedures, and staffing to administer the system portions requested. Mr. Newsom said that this proposal has been discussed with the Health Director and Social Services Director, and they endorse this action to allow Randolph County to establish and administer their personnel policies and procedures in these areas. In effect, we would be operating with one personnel system rather than managing two systems, one which is established by the State Personnel Commission for all local Departments of Health and Human Services agencies. Currently, there are 11 counties that have attained this status and operate under the rules in the North Carolina Administrative Code for one or more system portions. Mr. Newsom asked the Board for their consideration and approval of this resolution.

On motion of Kemp, seconded by Frye, the Board voted unanimously to approve the resolution to apply for Substantially Equivalent Status Under Office of State Personnel, as presented:

RESOLUTION

**SEEKING APPROVAL FROM THE NORTH CAROLINA STATE PERSONNEL COMMISSION
THAT RANDOLPH COUNTY HAS A PERSONNEL SYSTEM SUBSTANTIALLY EQUIVALENT TO
THAT OF THE STATE OF NORTH CAROLINA**

WHEREAS, North Carolina General Statute § 126-11 authorizes counties to establish local personnel systems; and

WHEREAS, the Randolph County Board of County Commissioners may petition the State Personnel Commission to determine whether any portion of its total personnel system meets the requirements of Chapter 126, the State Personnel System, of the North Carolina General Statutes; and

WHEREAS, said county personnel system and any substantial changes to the system, shall be approved by the State Personnel Commission as substantially equivalent to the standards established under Chapter 126 for employees of local departments of social services, local health departments, area mental health programs, and local emergency management programs; and

WHEREAS, the staff and resources are available to Randolph County to maintain a qualified personnel system; and

WHEREAS, Randolph County seeks a determination of substantial equivalency in the areas of System Portion I: Recruitment, Selection, and Advancement, and System Portion II: Classification/ Compensation; and

WHEREAS, upon such determination, county employees shall be exempt from the provisions of Chapter 126 relating to the approved portions of the county personnel system.

NOW THEREFORE, BE IT RESOLVED, that the Randolph County Board of Commissioners approves and supports this petition from Randolph County to the State Personnel Commission to determine if the Randolph County personnel system meets the requirements for substantial equivalency with the State Personnel Act.

Approval of Reclassification of Social Services Staff Positions

Beth Duncan, Director of Social Services, reminded the Board that in the 1990s, Randolph County Department of Social Services experienced significant turnover which proved to be detrimental to the workflow of the agency. In response, the Board of Commissioners granted the temporary employment of additional staff members. During this time, these temporary positions have been claimed for federal and state reimbursement, the same as all regular positions. The local share has been paid out of existing annual budgets. Ms. Duncan stated that demand for services has not decreased since then, and these employees are essential to the department. The agency currently has eight such positions remaining and these are not temporary positions. Ms. Duncan requested that at least three of these eight positions, specifically three Income Maintenance Caseworker positions, become regular positions.

In addition, Ms. Duncan said there is an existing work agreement in the Work First program for one individual that has to be treated as an employee under Internal Revenue Service regulations. She said the labor costs have been included on payroll reporting, including year-end W-2 reporting, and since it is being reported as an employee, it makes sense to define this position as regular.

Ms. Duncan is requesting the following actions to clean up the above personnel issues, effective February 1. She added that the Social Services Board has discussed these issues and fully supports this recommendation:

- 1) Approve the change of three temporary Income Maintenance Caseworker (IMC) positions from their current classification to regular status. The State will continue to reimburse the County for 50% of the cost of these three IMC positions.
- 2) Approve a Human Resource Placement Specialist position in Work First to reflect compliance with Internal Revenue Service regulations. State Work First funds will continue to pay for this position – no additional cost to the County.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve reclassification of four Social Services staff positions, (3 Income Maintenance Caseworkers & 1 Human Service Resource Placement Specialist), effective February 1, as requested.

Closed Session—Discussion of Acquisition of Real Estate (NCGS 143-318.11(a)(5))

At 4:55 p.m., on motion of Frye, seconded by Haywood, the Board voted unanimously to go into closed session to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property, pursuant to N.C.G.S. 143.318.11(a)(5).

Regular Meeting Resumed

At 5:40 p.m., the Board returned to regular session.

Action from Closed Session

On motion of Frye, seconded by Kemp, the Board voted unanimously to enter into a contract with the Archdale-Trinity Lion's Club for the purchase of a building located at 213 Balfour Drive in Archdale under the following terms: purchase price--\$410,000, with one-quarter to be paid at closing, one-quarter to be paid on 8/1/09, one-quarter to be paid on 8/1/10 and the final quarter to be paid on 8/1/11; interest rate--2.9%; and subject to agreeable terms between the County, the Lion's Club and the Chamber of Commerce concerning the use of the building.

Commissioner Frye stated that Associate County Attorney Aimee Scotton will work with all parties on the terms of use of the building. The County's need for the building is for the relocation of the Social Services Work First program and the Public Health Department WIC program that are currently operating out of a church in Archdale. The Archdale-Trinity Chamber of Commerce will continue renting space from the County and the Lion's Club will likely pay the County on a per meeting basis for use of the building for another year. Commissioner Frye said he believes the facility has enough room to house Mental Health staff in the future, if needed.

Recess

At 5:44 p.m., the Board took a recess.

Rezoning Public Hearing

At 6:30 p.m., the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on the requests.

1. ERIC BLACK, Thomasville, North Carolina, requested that 7.96 acres located on Fuller Mill Road (north of Post Road), Tabernacle Township, be rezoned from CVOECU to RA. Secondary Growth Area. Lake Reese Watershed. Tax ID #6794392154. The new property owner requested the property be reverted back to its original zoning classification. The Planning Board reviewed this request at public meeting on January 6, 2009, and recommended unanimously that this request be approved.

The Planning Board found the following Policy within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Resolution of Adoption - Policy #4. *Recognize that growth management policies should afford flexibility to County boards and agencies that will enable them to adapt to the practical requirements often necessary for rural development.*

Eric Black spoke in favor of his request. He said he purchased lots 35 and 36 from Bobby Earnhardt to provide a buffer to his farm. Mr. Black also stated he plans to add these lots to the Voluntary Agriculture District.

On motion of Lanier, seconded by Haywood, the Board voted unanimously to approve the request of Eric Black, as determined consistent with policies contained within the adopted Growth Management Plan and as outlined in the Planning Board recommendations.

2. ACE/AVANT REAL PROPERTY COMPANY, Archdale, North Carolina, requested that 126.67 acres located on NC Hwy 311 (across from Wall Brothers Road), New Market Township, be rezoned from RA to IO. Tax ID# 7745639188 and 7745548203. Secondary Growth Area. The proposed zoning district is specifically intended to accommodate manufacturing, wholesaling, warehousing, research and development, and related retail or commercial activities. The Planning Board reviewed this request at public meeting on January 6, 2009, and recommended unanimously that this request be approved with the condition that the private road known as Azel Drive (off Millikan Road) be prohibited to be used as access.

The Planning Board found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 1.6 Planning and development decisions should be based on the principal of promoting investment in Randolph County to expand employment opportunities while preserving and improving the quality of life for all county residents.

Policy 1.7 The County should encourage the use of performance-based industrial overlay zoning districts when the use of large acreage, natural buffer, and extensive landscaping would not have substantial adverse impact upon the general area growth characteristics, and the location of such a site would substantially increase economic activity, job creation, and the tax base of Randolph County.

Mr. Johnson stated that there is no specific development planned for the property at this time. Mr. Johnson also indicated that there are concerns from neighbors regarding Azel Drive and the wear on Millikan Road. The planned US 311/I-73 by-pass will be going through the middle of the property and there will be no access from one side to the other after the road is completed. He also stated that there is no industrial access from US 311/I-73 into the property.

Commissioner Kemp stated that Sophia Baptist Church is adjacent to the property along Millikan Road, and he understands their concerns.

Michael Somero spoke in favor of his and his business partner's request, stating that studies of the property had been done by Duke Energy, Norfolk Southern Railway and others. Mr. Somero said that potentially 600 jobs could be created within the proposed industrial park. He said that a 45' easement north of Azel Drive was purchased into the property. The state requires 50' for a state maintained road, so access can't be located there without additional purchase if access was allowed from Millikan Road. Mr. Somero expressed concerns about being landlocked.

The Commissioners stated that the final access location will be the developer's responsibility to work with D.O.T. or other adjoining property owners. Commissioner Frye asked Mr. Somero if D.O.T. is buying property for the new US 311/I-73 service road. Mr. Somero was not sure, but stated that D.O.T. indicated it would be maintained as a state road when the by-pass is complete. This service road stops several feet from his property and Commissioner Frye suggested he work with D.O.T. and the property owners at the end of the service road to see if he could gain access into the property via that route.

Bonnie Renfro of Randolph County Economic Development Corp. spoke in favor of the request reminding the Board that they previously approved this site as a good potential industrial site. An evaluation by a site consultant has been done and the owner was advised to have the property rezoned to best market the property. Ms. Renfro stated they had met with Department of

Transportation Engineer Jeff Loflin. D.O.T. planned to call a meeting among property owners, Piedmont Triad Regional Water Authority, Piedmont Natural Gas, Norfolk Southern and other interested parties, but due to budget cuts at the state level, the meeting has been delayed. She said that she has verified that D.O.T. will leave the service road as a state maintained road.

Ronald Self, Branson Davis Rd., Sophia, spoke on behalf of the Sophia Baptist Church stating that when they gave the easement into the property, they assumed it was for a house. He stated that he was not totally against the rezoning, but does have concerns about what type of businesses may be in the park and how they would affect the church.

James Walls, Azel Drive, Sophia, stated he was not opposing the rezoning but was concerned about the potential industry and noises, and whether buffers would be required, if rezoned.

Bill Beuthe, 3818 Millikan Rd, Sophia, stated his 41 acres adjoins the site in question. He said he had never been contacted by the property owner, but thanked the County for the letter with the information. A stream runs through the site and his property. He asked that it be environmentally protected and expressed concern about the type of industry that would be located there, as well.

Commissioner Frye asked Planning Director Hal Johnson how much would have to be done to define separate sections of the property. Mr. Johnson said County mapping can implement any zoning boundaries the Commissioners enact. Commissioner Frye then stated that he would support a motion to rezone the property east of the US 311/I-73 corridor, leaving the west portion as it is currently zoned. Then, when sufficient access is obtained, the applicant can reapply for rezoning of the west side. The applicant said this was acceptable.

On motion of Frye, seconded by Haywood, the Board voted unanimously to approve the amended request of Ace/Avant Real Property Company, to rezone from RA to IO only the subject property located on the east side of the proposed US 311/I-73 corridor, with the west side remaining as it currently is, as determined consistent with policies contained within the adopted Growth Management Plan and as outlined in the Planning Board recommendations.

3. LARRY WILSON, Asheboro, North Carolina, requested that 1.79 acres located on US Hwy 64 (just west of Tabernacle School Road), Tabernacle Township, be rezoned from RA to HC-CD. Tax ID# 7712235792 and 7712233754. Secondary Growth Area. The proposed conditional zoning district would specifically allow an automotive sales lot as per site plan. The Planning Board reviewed this request at public meeting on January 6, 2009, and recommended unanimously that this request be approved.

The Planning Board found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation:

Policy 4.4 *Commercial uses should be encouraged to develop by consolidation and deepening of existing commercially zoned property, only when such consolidation and deepening can be developed in a way that lessens the effect of incompatibility with adjoining residential land uses.*

Policy 4.5 *Effective buffering and/or landscaping should be provided where commercial development adjoins existing or planned residential uses.*

No one spoke.

On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the request of Larry Wilson, as determined consistent with policies contained within the adopted Growth Management Plan and as outlined in the Planning Board recommendations.

Adjournment

At 7:50 p.m., there being no further business, the meeting adjourned.

J. Harold Holmes, Chairman

Darrell L. Frye

Phil Kemp

Arnold Lanier

Stan Haywood

Amanda W. Varner, Deputy Clerk to the Board

Cheryl A. Ivey, Clerk to the Board